

# **EXHIBIT 92**

## **REDACTED**

HIGHLY CONFIDENTIAL

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,  
Plaintiffs,  
vs.  
GOOGLE LLC,  
Defendant.

)  
)  
) Case No.  
) 4:20-cv-00957-SDJ  
)  
) Hon. Sean D. Jordan  
)  
)  
)  
)

TUESDAY, APRIL 30, 2024

HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE  
ORDER

- - -

Remote videotaped deposition of  
[REDACTED] held at the location of the  
witness in Washington, DC, commencing at  
9:00 a.m. Eastern Time, on the above date,  
before Carrie A. Campbell, Registered  
Diplomate Reporter, Certified Realtime  
Reporter, Illinois, California & Texas  
Certified Shorthand Reporter, Missouri,  
Kansas, Louisiana & New Jersey Certified  
Court Reporter.

- - -

Job No. MDLG6673373

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9 Counsel for Google LLC  
10

11 ALSO PRESENT:

12 JONATHAN JAFFE, consultant  
13 STEVEN C. SPARLING, Litigation and  
14 Regulatory Counsel, Google LLC  
15

16 VINCE ROSICA, trial technician,  
17 Precision Trial Solutions  
18

19 V I D E O G R A P H E R :

20 BILL GEIGERT,  
21 Golkow Litigation Services  
22

23 - - -  
24  
25

1 VIDEOGRAPHER: Good morning.  
2 We are now on the record. My name is  
3 Bill Geigert. I'm the videographer  
4 for Golkow Litigation Services.

5 Today's date is April 30, 2024,  
6 and the time is 9 a.m.

7 This remote video deposition is  
8 being held in the matter of the State  
9 of Texas, et al., versus Google LLC.

10 The deponent is [REDACTED].

11 All parties to this deposition  
12 are appearing remotely and have agreed  
13 to the witness being sworn in  
14 remotely.

15 Due to the nature of remote  
16 reporting, please pause briefly before  
17 speaking to ensure all parties are  
18 heard completely.

19 All counsel will be noted on  
20 the stenographic record.

21 The court reporter is Carrie  
22 Campbell, and she will now swear in  
23 the witness.

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[REDACTED]

of lawful age, having been first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says on behalf of the Plaintiffs, as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. CHANG:

Q. Good morning, [REDACTED]

A. Good morning.

Q. Will you please state your name for the record?

A. [REDACTED]

Q. [REDACTED] do you understand that you're under oath today?

A. Yes, I do.

Q. And you just swore to tell the truth under penalty of perjury.

Right?

A. Yes, I did.

Q. Have you ever been deposed before?

A. Yes, I have.

Q. How many cases?

A. I've been deposed two times for

1                   So when an advertiser tells us  
2                   they want to spend advertising dollars with  
3                   us to achieve a certain outcome, we have to  
4                   understand as an ad technology provider  
5                   whether or not we're driving those outcomes.

6                   Now, in a non-digital world, I  
7                   may just have to have the advertiser call me  
8                   on the telephone and say, your ads are  
9                   driving results for me. Thank you.

10                  In ad technology, you can use a  
11                  piece of technology that an advertiser  
12                  chooses to embed on their website to send a  
13                  signal to the ad technology providers they  
14                  work with to tell them that actions are being  
15                  taken as a result of exposure to an ad.

16                  Q.           So an example of that might be  
17                  click-through rate?

18                  A.           So click-through rate is a  
19                  metric in the advertising industry but isn't  
20                  specifically a conversion, per se.

21                  Now, I would say that a  
22                  click-through rate could be a measure by  
23                  which something could lead to a conversion.

24                  And so in consumer language,  
25                  let's say you visited -- I'm sorry, let's say

1       you see an ad online. You click on the ad.  
2       And then you see the ad nine more times and  
3       you don't click on the ad. That means the ad  
4       has a 10 percent click-through rate. Or one  
5       out of ten times an ad was shown, it was  
6       clicked on.

7                       That's the definition of a  
8       click-through rate.

9               Q.       Have you personally ever  
10       disclosed Project Bernanke to a customer?

11       A.       I don't believe I've ever used  
12       the phrase "Project Bernanke" in a  
13       customer-facing meeting.

14       Q.       Have you ever disclosed the  
15       substance of Project Bernanke to any  
16       customer?

17       A.       It is likely I have spoken to  
18       customers about how Google's bid strategies  
19       help drive outcomes, of which experiments  
20       like Bernanke could have played a role.

21       Q.       Have you ever explained the  
22       mechanics through which Bernanke accomplishes  
23       the goals that you just mentioned to a  
24       customer?

25       A.       It's likely that I have. I



1 can't think of a specific customer example  
2 sitting here today.

3 Q. Why do you say it's likely?

4 A. Because we talk about how  
5 Google's advertising products work when we  
6 meet with customers, especially when they're  
7 asking about them.

8 Q. Explain the mechanics of  
9 Bernanke to me.

10 A. So my understanding of Bernanke  
11 is primarily in the context of how our bid  
12 strategies work overall, which is focusing on  
13 an advertiser outcome.

14 And in order to focus on an  
15 advertiser outcome, we need to have a good  
16 understanding of what it will take to win an  
17 advertising auction that we feel would lead  
18 to, or has a chance to lead to, the outcome  
19 the advertiser is after, right, whether  
20 that's buying a pair of shoes, et cetera.

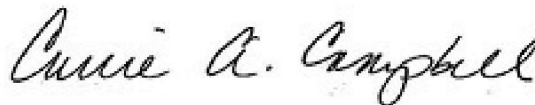
21 And so my understanding of  
22 Project Bernanke is, it was a way to  
23 understand what was the bid required to win  
24 an impression based on competing in a lot of  
25 these auctions, and then adjust the bid

CERTIFICATE

I, CARRIE A. CAMPBELL, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, [REDACTED] was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



CARRIE A. CAMPBELL,  
NCRA Registered Diplomat Reporter  
Certified Realtime Reporter  
California Certified Shorthand  
Reporter #13921  
Missouri Certified Court Reporter #859  
Illinois Certified Shorthand Reporter  
#084-004229  
Texas Certified Shorthand Reporter #9328  
Kansas Certified Court Reporter #1715  
New Jersey Certified Court Reporter  
#30XI00242600  
Louisiana Certified Court Reporter  
#2021012  
Notary Public  
Dated: May 1, 2024